

EXHIBIT 2

EEOC Charge No. 520-2012-03753

Rao v. Wyckoff Heights Medical Center

AFFIDAVIT OF DR. PERCY ERACHSHAW

STATE OF NEW YORK)
): ss
COUNTY OF KINGS)

DR. PERCY ERACHSHAW, being duly sworn, deposes and states:

I reside at 53 Avalon Drive, Colonia, New Jersey 07067. I maintain a medical practice at 418 Stanlope Street, Brooklyn, New York 11237.

I am a general surgeon. I have been licensed to practice medicine in New York State since 2003. I was Board Certified in 2007-8. I was employed as an attending doctor at Wyckoff Heights Medical Center from 2003 until January 27, 2012. My title was Associate Director of Surgery. My immediate superior was Dr. Addagada Rao, the Chairman of the Surgery Department at Wyckoff. I also held the position of Associate Program Director of the Residency Program. Previously, I did my own residency at Wyckoff. Currently, I am in private practice.

I am a witness to the following events at which statements about Dr. Rao's age and/or ethnicity were made by Ramon Rodriguez shortly after he was hired to be the new President and CEO of Wyckoff hospital.

On or about December 29, 2011, Mr. Rodriguez told me directly, in a face to face conversation, that he wanted Dr. Rao to resign, and that if Dr. Rao did not resign, he would fire Dr. Rao. Mr. Rodriguez also told me why, and he told me to convey this message to Dr. Rao. He said to me, "Tell Dr. Rao to resign now, and if he does not resign, I'll fire him." In response, I pointed out to Mr. Rodriguez that Dr. Rao is

responsible for a high volume of surgeries at Wyckoff. I asked him, in exact words or substance, "What is this all about?" Mr. Rodriguez replied, "Tell your boss to look in the mirror. His face looks like an oystershell." I commented that Dr. Rao was seventy years old, yes, but he has high energy and personally performs about three hundred surgeries a year. Mr. Rodriguez also referred to Dr. Rao as "calcified." I was astonished, and confused by the use of the word "calcified" to describe Dr. Rao, so I asked Mr. Rodriguez, "What are you talking about?" He answered me: "Well, there is a certain ethnic culture here and one of my jobs is to change that."

Several days later, on or about January 3, after the New Year's weekend, I accompanied Dr. Rao when he went to see Mr. Rodriguez in his office to discuss his statements about Dr. Rao. I witnessed the ensuing confrontation and conversation between them, without participating in it myself. Dr. Rao demanded to know what the problem was, and stated that he was in good health, brings a high volume of work to the hospital, and so on. At first Mr. Rodriguez would not look at Dr. Rao, but he did answer him. He stated to him in my presence, in these exact words or substance: "You're old. I want you out. Look at your face in the mirror. It looks like an oystershell. I want you out of here." He also repeated the words "This is it!" to Dr. Rao at least a couple of times, emphatically. The conversation did not get any better after that, and it did not last very long.

Not very long after this conversation between Dr. Rao and Mr. Rodriguez, I would say within a week of it, I also learned that Mr. Rodriguez had declared to some other doctors at Wyckoff, at a meeting I did not attend, that he intended to rid the hospital of the "Indian Mafia." I first heard of this statement by Mr. Rodriguez, which I did not

personally witness, in a hospital hallway, where a group of Indian doctors were talking about it incredulously, and fearfully. It was attributed to Mr. Rodriguez as having been made before an audience of astonished medical staff. Before long, it seemed that everyone who worked at the hospital was talking about it there. It cast a chilling effect on the Indian doctors at Wyckoff, who were understandably afraid of losing their jobs at Wyckoff because of their ethnicity. Or, as Mr. Rodriguez had expressed "one of [his] jobs" to me when I did not yet understand what he meant, because of their "certain ethnic culture." Since, like Dr. Rao, I too am Indian, I feared what would follow among my Indian colleagues at Wyckoff.

What followed, indeed, was Mr. Rodriguez' cleansing of a "certain ethnic culture" at the hospital, often with the assistance of other doctors afraid of being fired if they opposed Mr. Rodriguez. It began with the termination of Dr. Rao as Chairman of the Surgery Department the following week, on January 17, 2012. In my own case, ten days later, on January 27, 2012, Mr. Rodriguez sent me a letter notifying me that my admitting privileges were suspended, and terminating my employment as Associate Director of the Surgery Department. Ostensibly, this action was taken on January 27 in response to a (undated) letter supposedly written by, and purportedly attributed to, several named residents in the Surgery Department, none of whom actually signed it. This letter accused me of a great many things, such as endangering patients, which were designed to justify my suspension and removal. In reality, the letter was created under intense pressure exerted upon the residents in the Surgery Department by the man that Mr. Rodriguez appointed to be an "Acting Chairman" of the department in place of Dr. Rao, i.e., Dr. Akella Chendrasekhar. Although he is "also Indian" as Wyckoff holds out

without elaboration, Dr. Chendrasekhar was greatly beholden to Mr. Rodriguez, for *any* job, because, as was brought out in the hearing that ensued in my case, Dr.

Chendrasekhar had been stripped of his license to practice medicine in two other states due to medical incompetence. (So much for Mr. Rodriguez' professed concern for "patient safety" as a purported justification for suspending and firing me.) Moreover, as was also brought out at the hearing in my case, through the testimony of one of the surgical residents (Resident Cheung), it was Dr. Chendrasekhar that asked the residents in the Surgery Department to compile a "list of grievances" against me, on the grounds that he and Mr. Rodriguez wanted "to build a case" against me.

Hence, contrary to Wyckoff's pretense to the EEOC, it was not a matter of the residents named at the end of this undated & unsigned letter, whose jobs depend upon the good graces of, and complete obedience to, Mr. Rodriguez and his interim designee Dr. Chendrasekhar, going to either of them first, or automomously. It was entirely the other way around, and it was evident at the hearing that the compliant residents were helpless to resist. Furthermore, once Dr. Chendrasekar had served Mr. Rodriguez' purpose in "building a case" against me, Mr. Rodriguez terminated Dr. Chendrasekar too, thereby adding his desperate henchman to the calculated purge of pre-existing Indian doctors at Wyckoff as it progressed. (The fact that Mr. Rodriguez later hired a few new Indian doctors, at a much lower pay scale, to replace some of the ousted Indian doctors, may not be irrelevant, but it surely is a fig leaf in the context of his open declaration to the medical staff to eliminate Wyckoff's Indian heirarchy *before* their firings, forced resignations, and/or "reinstatements" for much less money commenced.)

There are other inaccurate and/or misleading statements made about me by Wyckoff in its submissions to the EEOC. For example, Dr. Chendrasekhar did not replace me as Program Director of the Surgery Department, because I was not the Program Director; Dr. Ye Chen was, until he resigned in disgust over the termination of Dr. Rao as Chairman of the department. More significantly, to state that "Dr. Erachshaw was temporarily suspended and then terminated from Wyckoff's employment after Wyckoff's administration received a letter from the surgical residents making serious allegations about Dr. Erachshaw's conduct, attached as [Wyckoff's] Exhibit F," without saying more, is disingenuous and essentially misrepresentative. As I have attested above, the letter was solicited and its subject matter was decreed by "Wyckoff's administration" itself (i.e., Mr. Rodriguez, acting through Dr. Chendrasekhar), and "the surgical residents" were *asked* by Dr. Chendrasekhar to make "serious allegations about Dr. Erachshaw's conduct," according to the testimony of resident Cheung at the hearing on my suspension.

Moreover, Wyckoff's claim that "Wyckoff's decision to terminate Dr. Erachshaw's employment was recently upheld by Wyckoff's Medical Board" is doubly untruthful. In the first place, "Wyckoff's decision" was really only Mr. Rodriguez' decision, and he testified under cross examination at the hearing that he made a decision to terminate me (*and* Dr. Rao) as soon as he took over at Wyckoff, in late December 2011. In the second place, to the extent the Medical Board at Wyckoff was involved, the Medical Board effectively nullified my suspension by Mr. Rodriguez, by agreeing with the finding of a neutral committee formed (under the by-laws) to investigate the residents letter, that there was no evidence whatsoever to support its accusations-- a Medical Board

decision which Mr. Rodriguez refused to abide by, and claimed a right to veto.

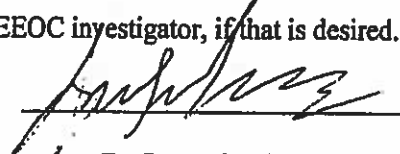
Whereupon he appointed a committee of other doctors beholden to him in order to overrule the Medical Board finding in my favor, which they eventually did, almost one year later. (This committee was not authorized by the by laws.)

That reversal of the Medical Board ruling is itself now on administrative appeal, under the bylaws (i.e., to the Board of Trustees), and it is also subject to an ongoing concurrent Article 78 proceeding to overturn Mr. Rodriguez' actions as "arbitrary and capricious" in any event. It also precipitated an out-of-control, apparently threatening physical and verbal action by Mr. Rodriguez that is utterly inappropriate for one in his office—i.e., barging uninvited and unannounced into the private medical practice offices of Dr. Himanshu Patel during a meeting with Drs. Nimal Matoo, John Riggs, Imtiyazi Kapadwala, Prasanta Chandra, Jigar Patel, and myself, in a closed trenchcoat with his hands in his protruding coatpockets as though he were a Sam Spade character packing "heat," to announce that he had just "won" because the trustees had accepted the finding of his own appointed ad hoc committee over that of the Medical Board. This unhinged behavior by the current President and CEO of Wyckoff led to the filing of a criminal complaint against him by three of these former doctors at Wyckoff, including myself. Annexed is a copy of an email letter dated January 14, 2013 to Wyckoff's Board of Trustees members, describing this bizarre incident. This was emailed (or faxed) to all Wyckoff trustees shortly after this incident occurred, to place them on undeniable written notice that they have obligations to the public to put a stop to such behavior by Mr. Rodriguez, even if they have been unwilling to put a stop to Mr. Rodriguez' discriminatory acts and elimination policy directed against multiple (now former, or

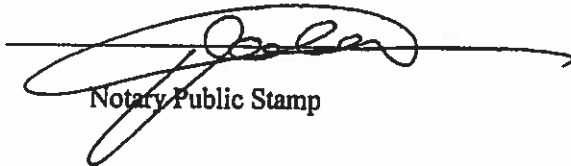
former, or downgraded) Wyckoff doctors of Indian ethnicity, not to mention Mr.

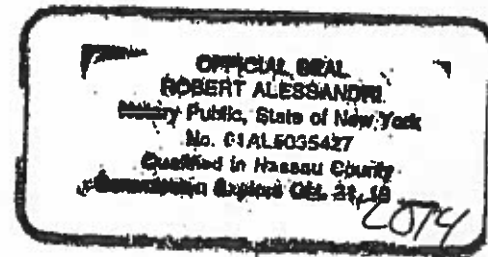
Rodriguez' explicitly stated age bias against Dr. Rao as was expressed by him twice in my presence.

I would welcome speaking about any other details of my own suspension and termination by Wyckoff (Mr. Rodriguez) with an EEOC investigator, if that is desired.


Dr. Percy Erachshaw

Sworn to before me this day of March, 2013


Notary Public Stamp



03/25/2013